

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BETSEY JOHNSON LLC,

Plaintiff,

v.

COLORFUL LICENSES BV,

Defendant.

CIVIL ACTION NO.

**08 CIV. 4145**

**JUDGE CONNER**

**PROPOSED ORDER TO SHOW CAUSE FOR PRELIMINARY  
INJUNCTION AND TEMPORARY RESTRAINING ORDER**

Upon the Verified Complaint of Plaintiff Betsey Johnson LLC, hereto annexed, verified  
✓ by Jonathan Friedman, Chief Administrative and Financial Officer, on the 1<sup>st</sup> day of May, it  
is ORDERED, that the above named Defendant show cause before a motion term of this Court,  
✓ at Room \_\_\_\_\_, United States Courthouse, 300 Quarropas Street, White Plains, New York, on  
✓ May 9, at 12:45 o'clock in the forenoon thereof, or as soon  
thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the  
Federal Rules of Civil Procedure enjoining Defendant during the pendency of the parties'  
arbitration from:

**selling, moving, or otherwise distributing any and all tangible goods bearing Plaintiff's licensed mark and/or utilizing formulas identified to Plaintiff (the "Formula") or other intellectual property owned by the Plaintiff, including product packaging and label designs ("Intellectual Property"), in Defendant's possession or the possession of others acting in concert with Defendant. In particular, said order would enjoin Defendant from taking any action with respect to goods bearing Plaintiff's licensed mark, the Formula, or the Intellectual Property that may be currently located in a warehouse in Orangeburg, NY and/or any other goods in similar locations throughout the United States or anywhere in the world (collectively, the "Warehouse Product") during the pendency of arbitration proceedings between the parties.**

It is further ORDERED that, sufficient reason having been shown therefor, specifically, the avoidance of irreparable harm to Plaintiff's customer goodwill and reputation, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Defendant is temporarily restrained and enjoined from:

**selling, moving, or otherwise distributing any and all tangible goods bearing Plaintiff's licensed mark and/or utilizing the Formula or the Intellectual Property in Defendant's possession or the possession of others acting in concert with Defendant. In particular, Defendant is hereby enjoined from taking any action with respect to the Warehouse Product.**

✓ This Order is granted ex parte and without notice to the Defendant because of the Plaintiff's reasonable belief that providing notice to the Defendant would cause the Defendant to sell, distribute, or move the Warehouse Product in a manner that would irreparably harm the Plaintiff. This Order shall remain in effect for a period of ten (10) business days beginning on the date of its entry. *No prior application having been made.*

✓ It is further ORDERED that security in the amount of \$ 100,000 be posted by the Plaintiff prior to May 2, at 5 o'clock in the afternoon of that day; and it is further ORDERED that service of a copy of this order and annexed Verified Complaint upon the defendant or his counsel by certified mail, return receipt requested, mailed on or before 4 o'clock in the afternoon on May 2, 2008 shall be deemed good and sufficient service thereof as provided for by agreement between the parties.

ISSUED AT: White Plains, New York

✓ ISSUED DATE AND HOUR: May 1, 2008 at 3:00 PM.

SO ORDERED:  
  
 United States District Judge

DATED:

*It is further ordered that Defendant's response papers are due by May 7, 2008 at 12 noon, with a courtesy copy to Judge Connel's chambers.*